

REMARKS/ARGUMENTS

This paper is submitted in response to the Office Action mailed July 18, 2007.

Reconsideration is respectfully requested.

A Request for a Three Month Extension of Time under 37 CFR 1.136(a) is submitted herewith, along with the fee prescribed by 37 CFR 1.17(a)(3). The response is therefore timely.

Claims 1-18 were examined. Claims 1, 2, 5, 6, 7, 9-12, and 15 were rejected under 35 U.S.C. §112, second paragraph. Claims 1-3, 6, 13, 14, and 16 were rejected under 25 U.S.C. §102(b) as anticipated by US 5,754,938 – Herz et al. Claims 4, 5, 7-11, 15, 17, and 18 were rejected under 35 U.S.C. §103(a) as unpatentable over Herz et al. in view of the article by Engberg et al. Claim 12 was rejected under 35 U.S.C. §103(a) as unpatentable over Herz et al. in view of Engberg et al. and in further view of US 2006/0155993 – Bushboon. In addition, the specification was objected to. Each of these issues will be addressed below.

Objection to the Specification

The specification was objected to for “not disclosing figures 1-2, 9, 12, and 14-17 of the drawing.” The specification has been amended to provide a verbal description of the subject matter shown and described in the drawing figures at issue. No new matter has been added.

Also, as requested by the Examiner, the specification has been amended to define the acronym “MAD.”

Rejections under Section 112

Claims 1, 2, 5, 6, 7, 9-12, and 15 were rejected under 35 U.S.C. §112, second paragraph. Claims 1, 5, 7, 11, 12, and 15 were rejected on the grounds of lack of clarity, indefiniteness, and/or ambiguity. Claims 2, 6, 9, and 10 were rejected on the grounds of lack of antecedent basis.

Claims 1-18 have been cancelled and replaced by new claims 20-39, in which the specific objections raised by the Examiner have been addressed. It is believed that the new claims are sufficiently clear and definite to comply with Section 112, second paragraph, and that proper antecedent bases are provided in every claim. It is therefore respectfully submitted that claims 20-39 are in compliance with Section 112.

Rejections under Sections 102(b) and 103(a)

New claims 20-37 have been drafted to clearly distinguish applicant's invention over the art of record. For example, new independent claims 20 and 33 now relate to and recite first and second "identity devices," and they specifically define the private reference point as a "one-time-only private reference point," indicating that the communication from the first identity device via the network to the second identity device is established through a one-time-only private reference point. As discussed in the specification, the one-time-only private reference point is a virtual address that is used only once by the first identity device in order to prevent any information from being included in the network that could disclose the identity of the first identity device, either as a true identity represented by an address, card number, etc., or as a synonym or pseudonym as suggested by Herz et al. The Herz et al. reference, as currently understood by the Applicant, does not appear to teach the use of a one-time-only private reference point, nor does it teach a communication path from the first identity device to a one-time-only private reference point, as defined in claims 20 and 33. Instead, the method of Herz et al. relies on a trusted part (the proxy server) as the reference point, but the proxy server is not disclosed as "one-time-only," nor is it seen how it could function as a "one-time-only" private reference point. Moreover, the proxy server knows the true identity of the device connected to it. Therefore, within the network, information is presented that links the pseudonym identity with the true identity, and that may be intentionally or unintentionally linked to disclose the identity of the first identity device.

Furthermore, the present invention, as defined in claims 20 and 33, provides that verification of the authentication is made from the first identity device, rather than from the network, and the is made to the one-time-only private reference point. This arrangement prevents any data or information that could disclose the identity of the first identity device from being presented or transferred to the network. This is distinct from the teaching of Herz et al., in which a trusted part (the proxy server) carries out the verification of the authenticity relative to the proxy server.

In addition, the present invention, as defined in claims 20 and 33, is distinct from the teachings of Herz et al., in that in the present invention, the communication to the network is established from the one-time-only private reference point to the second identity device. In the Herz et al. method, as mentioned above, there is no one-time-only private reference point, and communication to the network is established from the holder of the first identity device. Specifically, in the Herz et al. method, the service provider requires proof that the purchaser has sufficient funds on deposit at a bank or the like. Thus, the Herz et al. method relies on the safety and security provided by the trusted part (i.e., the proxy server) by transmitting the information relating to the holder as a pseudonym, rather than in clear text. By contrast, in the present invention, as defined in claims 20 and 33, the communication is established from the one-time-only private reference point to the network after the first identity device has first verified the authenticity of itself relative to the one-time-only private reference point from the first identity device itself.


Finally, new claim 20 requires that at least one of the steps of (i) verifying the authentication and (ii) establishing communication is performed without disclosing the identity of the first identity device. Likewise, new claim 33 requires that at least one of (i) the means for verifying the authentication and (ii) the means for establishing communication is operable without disclosing the identity of the first identity device. Thus, the identity of the first identity device, irrespective of the presentation of the identity in clear text or in pseudonym, is not presented to the network, as the identity is not disclosed to the one-time-only private reference point. This is distinct from the Herz et al. method, in which the trusted part (the proxy server) includes information linking the pseudonym to the true identity.

It is thus respectfully submitted that, for the reasons set forth above, new claims 20 and 33 are neither anticipated nor rendered obvious by Herz et al. Furthermore, nothing in the Engberg reference or the Bushboon reference, taken in any combination with the disclosure of Herz et al. that might reasonably suggest itself to those of ordinary skill in the pertinent arts, would teach or suggest the subject matter defined in claims 20 and 33. Therefore, it is respectfully submitted that claims 20 and 33 define patentably over the art of record and should be allowed.

Claims 21-32 depend from claim 20, and claims 34-39 depend from claim 33. These dependent claims further define, with greater particularity, the various novel and non-obvious aspects and features of Applicant's invention, and should therefore be allowed along with their respective independent claims.

In summary, it is respectfully submitted that claims 20-39 define patentably over the art of record and should be allowed. Passage of the application to issue is therefore earnestly solicited.

Respectfully submitted,



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